

TABLE F–2—AGE CORRECTION VALUES IN DECIBELS FOR FEMALES—Continued

Years	Audiometric test frequencies (Hz)				
	1000	2000	3000	4000	6000
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

APPENDIX G TO PART 227—SCHEDULE OF CIVIL PENALTIES

Section	Violation	Willful violation
Subpart A—General		
227.3 Application:		
(b)(4) Failure to meet the required conditions for foreign railroad operations	\$2,500	\$5,000
Subpart B—General Requirements		
227.103 Noise monitoring program:		
(a) Failure to develop and/or implement a noise monitoring program	7,500	10,000
(b) Failure to use sampling as required	2,500	5,000
(c) Failure to integrate sound levels and/or make noise measurements as required	2,500	5,000
(d) Failure to repeat noise monitoring where required	2,500	5,000
(e) Failure to consider work environments where hearing protectors may be omitted	2,500	5,000
(f) Failure to provide opportunity to observe monitoring	2,000	4,000
(g) Reporting of Monitoring Results:		
(1) Failure to notify monitored employee	2,500	5,000
(2) Failure to post results as required	2,500	5,000
227.105 Protection of employees:		
(a) Failure to provide appropriate protection to exposed employee	7,500	10,000
(b) Failure to observe and document source(s) of noise exposures	2,500	5,000
(c)–(d) Failure to protect employee from impermissible continuous noise	5,000	7,500
227.107 Hearing conservation program:		
(a) Failure to administer a HCP	7,500	10,000
(b) Failure to compute noise exposure as required	3,500	7,000
227.109 Audiometric testing program:		
(a) Failure to establish and/or maintain an audiometric testing program	7,500	10,000
(b) Failure to provide audiometric test at no cost to employee	2,500	5,000
(c) Failure to have qualified person perform audiometric test	2,500	5,000
(d) [Reserved]		
(e) Failure to establish baseline audiogram as required	3,500	7,000
(f) Failure to offer and/or require periodic audiograms as required	2,500	5,000
(g) Failure to evaluate audiogram as required	2,500	5,000
(h) Failure to comply with follow-up procedures as required	2,500	5,000
(i) Failure to use required method for revising baseline audiograms	2,500	5,000
227.111 Audiometric test requirements:		
(a) Failure to conduct test as required	2,500	5,000
(b) Failure to use required equipment	2,500	5,000
(c) Failure to administer test in room that meets requirements	2,500	5,000
(d) Complete failure to calibrate	5,000	7,500
(1) Failure to perform daily calibration as required	2,000	4,000
(2) Failure to perform annual calibration as required	2,000	4,000
(3) Failure to perform exhaustive calibration as required	2,000	4,000
227.115 Hearing protectors (HP):		
(a) Failure to comply with general requirements	3,000	6,000
(b) Failure to make HP available as required	2,500	5,000
(c) Failure to require use of HP at action level	5,000	7,500
(d) Failure to require use of HP at TWA of 90 dB(A)	5,000	7,500
227.117 Hearing protector attenuation:		
(a) Failure to evaluate attenuation as required	2,500	5,000
(b)–(c) Failure to attenuate to required level	2,500	5,000
(d) Failure to re-evaluate attenuation	2,500	5,000
227.119 Training program:		

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Section	Violation	Willful violation
(a) Failure to institute a training program as required	5,000	7,500
(b) Failure to provide training within required time frame	2,500	5,000
(c) Failure of program and/or training materials to include required information	2,500	5,000
227.121 Recordkeeping:		
(a) General Requirements:		
(1) Failure to make record available as required	2,500	5,000
(3) Failure to transfer or retain records as required	2,000	4,000
(b)–(f) Records:		
(1) Failure to maintain record or failure to maintain record with required information	2,000	4,000
(2) Failure to retain records for required time period	2,000	4,000

¹ A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[71 FR 63123, Oct. 27, 2006, as amended at 73 FR 79703, Dec. 30, 2008]

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Subpart A—General

Sec.
228.1 Scope.
228.3 Application.
228.5 Definitions.

Subpart B—Records and Reporting

228.7 Hours of duty.
228.9 Records; general.
228.11 Hours of duty records.
228.13 Preemptive effect.
228.17 Dispatcher's record of train movements.
228.19 Monthly reports of excess service.
228.21 Civil penalty.
228.23 Criminal penalty.

Subpart C—Construction of Employee Sleeping Quarters

228.101 Distance requirement; definitions.
228.103 Approval procedure: construction within one-half mile (2,640 feet) (804 meters).
228.105 Additional requirements; construction within one-third mile (1,760 feet) (536 meters) of certain switching.
228.107 Action on petition.

Subpart D—Electronic Recordkeeping

228.201 Electronic recordkeeping; general.
228.203 Program components.
228.205 Access to electronic records.
228.207 Training.

APPENDIX A TO PART 228—REQUIREMENTS OF THE HOURS OF SERVICE ACT: STATEMENT OF AGENCY POLICY AND INTERPRETATION
APPENDIX B TO PART 228—SCHEDULE OF CIVIL PENALTIES
APPENDIX C TO PART 228—GUIDELINES FOR CLEAN, SAFE, AND SANITARY RAILROAD PROVIDED CAMP CARS

AUTHORITY: 49 U.S.C. 20103, 20107, 21101–21109; Sec. 108, Div. A, Public Law 110–432, 122 Stat. 4860–4866; 49 U.S.C. 21301, 21303, 21304, 21311; 28 U.S.C. 2461, note; 49 CFR 1.49; and 49 U.S.C. 103.

SOURCE: 37 FR 12234, June 21, 1972, unless otherwise noted.

Subpart A—General

§ 228.1 Scope.

This part—

(a) Prescribes reporting and record-keeping requirements with respect to the hours of service of certain railroad employees and certain employees of railroad contractors and subcontractors; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

[43 FR 31012, July 19, 1978, as amended at 74 FR 25345, May 27, 2009]

§ 228.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all railroads and contractors and subcontractors of railroads.

(b) This part does not apply to:

(1) A railroad or a contractor or subcontractor of a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

[74 FR 25345, May 27, 2009]